



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

U20

REPLY TO THE ATTENTION OF:

November 2, 1994

EPA Region 5 Records Ctr.



246177

HAND DELIVERY

See Attached List of Respondents

Re: Access to Property  
Standard Scrap/CIE Site Chicago, Illinois

Dear Respondent:

Enclosed please find a unilateral Administrative Order issued by the United States Environmental Protection Agency ("U.S. EPA") pursuant to Section 104(e)(5) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). This Order requires that Respondents comply with the U.S. EPA's request for entry to their property located at 4004 through 4020 South Wentworth and 4000 through 4027 South Wells Street in Chicago, Illinois for the following purposes: (1) the taking of air, soil, and soil gas samples; (2) the sampling of any solids or liquids stored or disposed of on site; (3) implementation of any actions identified in the Unilateral Administrative Order, Docket No. V-W-94-C-249 issued on September 14, 1994 to Respondents, and (4) any other actions related to the investigation of surface or subsurface contamination at the site deemed necessary by U.S. EPA in response to the release or threat of release of hazardous substances from the Site. These actions are authorized by Section 104(e)(3) and (4) of CERCLA.

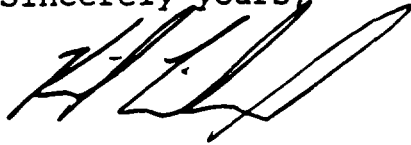
You must contact U.S. EPA by no later than November 7, 1994 at 5:00 PM, CST, of your intent to comply fully or not to comply with this Order. Failure to notify U.S. EPA by such time and on such date of your intent regarding compliance with this Order shall be construed as a denial or access. Failure to comply with this Order or with any part of this Order may subject Respondents to a civil penalty in the amount of \$25,000 per day of noncompliance pursuant to Section 104(e)(5)(B) of CERCLA.

PLAINTIFF'S  
EXHIBIT

2

You may contact the undersigned at (312) 886-6831 or Steven Faryan at (312) 353-9351 to indicate your intent to request a conference or to discuss this Order.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Lindland', with a large, sweeping flourish extending to the right.

Kurt N. Lindland  
Assistant Regional Counsel

LIST OF RESPONDENTS

1. Steven Cohen  
c/o Carolin K. Shining  
The Law offices of  
Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60602
2. Lawrence A. Cohen  
c/o Carolin K. Shining  
The Law offices of  
Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60602
3. Chicago International Exporting  
c/o Carolin K. Shining  
The Law offices of  
Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60602
4. Chicago International Chicago, Inc.  
c/o Carolin K. Shining  
The Law offices of  
Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60602

bcc: Steven Faryan/EPA/WMD  
Debbie Regel/EPA/WMD  
IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

V-W- '95-C-20

IN THE MATTER OF:	)	Docket No.
	)	
Standard Scrap Metal/Chicago	)	
International Exporting Site	)	ADMINISTRATIVE ORDER
Chicago, Illinois	)	DIRECTING COMPLIANCE
	)	WITH REQUEST FOR
	)	ACCESS

Proceeding under section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. Section 9604(e)(5).

I. PREAMBLE

This Administrative Order ("Order") is issued to Steven Cohen, Lawrence A. Cohen, Chicago International Exporting, and Chicago International Chicago, Inc. ("Respondents"), the present owners/operators of the Standard Scrap Metal/Chicago International Exporting Site, in Chicago, Illinois.

This Order is issued pursuant to the authority vested in the President of the United States by section 104(e)(5) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § § 9601 to 9675, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, 52 Fed. Reg. 2923 (1987), further delegated to the Regional Administrator by U.S. EPA Delegation No. 14-6, and further delegated to the Director of the Waste Management Division by Regional Delegation 14-6.

This Order requires Respondents to grant U.S. EPA and its officers, employees, duly delegated representatives, and contractors entry and access to all portions of Respondent's property located at 4004 through 4020 South Wentworth and 4000 through 4027 South Wells Street for the following purposes:

- a. Develop and implement a Removal Action Work Plan to address the sampling and disposal of all hazardous wastes or hazardous substances identified at the facility. This Plan shall include an Extent of Contamination Study of the east and west lots, including soil borings beneath the cement pads.

- b. Secure the Site, as determined necessary by U.S. EPA, by locking the fence or posting a guard to permit only authorized access to the east and west lots during operating hours.
- c. Implement dust control procedures to eliminate fugitive dust emissions from the Site. Specifically, eliminate dust and emissions from the electric motor shredding and separation operation, and the copper recovery system inside the main building. Conduct air monitoring for PCBs, lead, and cadmium using high volume air sampling devices to assess if any fugitive dust emissions are exiting the Site into the neighboring residential yards.
- d. Eliminate burning or incineration of material in drums, pits, or other unregulated open containers or areas.
- e. Restrict access to contaminated areas by employees, truck drivers, and the public. Post warning signs indicating contaminated areas.
- f. Treat and/or dispose of all contaminated soils at a RCRA/TSCA-approved disposal facility. Contaminated soils include all soils with concentrations of PCBs which exceed 10 ppm, and/or concentrations of lead which exceed 5 milligrams per liter (mg/l) TCLP, and/or concentrations of cadmium which exceed 1 mg/l TCLP, and/or concentrations of Dioxin which exceed 1 ppb 2,3,7,8-TCDD total equivalency factor, and/or concentrations of any other hazardous substance found on Site which exceeds the applicable Federal clean-up standards.
- g. Remove and dispose of the concrete pads and underlying soils if sampling confirms contamination above clean-up standards.
- h. Decontaminate and/or dispose of scrap metal contaminated above clean-up standards as described in PCB Spill Clean-up Policy.
- i. Conduct confirmation sampling to document that all appropriate U.S. EPA clean-up standards have been met.
- j. Implement any and all other actions identified in the Unilateral Administrative Order, V-W-94-C-249 issued to Respondents on September 14, 1994, as amended, ("UAO") for the Site and authorized by the U.S. EPA Action Memorandum dated September 14, 1994.

- k. Conduct sampling of any air, soil, soil gas, solids or liquids stored or disposed of on site and any other actions related to the investigation of surface or subsurface contamination at the site, as determined to be necessary by U.S. EPA, to define the nature and extent of release or threat of release of hazardous wastes or hazardous substances from the Site.
1. Take any other action necessary, as determined by U.S. EPA, to abate the imminent and substantial endangerment to public health and the environment caused by the release or threat of release of hazardous substances from the Site.

By copy of this Order, the State of Illinois has been notified of the issuance of this Order.

## II. FINDINGS OF FACT

Based upon information available on the date of issuance of this Administrative Order, the Division Director of the Waste Management Division of U.S. EPA, Region 5, makes the following findings of fact:

1. The Standard Scrap Metal/Chicago International Exporting Site ("SCM/CIE" or "Site") is located at 4004 through 4020 South Wentworth Avenue, and 4000 through 4027 South Wells Street, Chicago, Cook County, Illinois, Latitude 87° 37' 55" north, Longitude 41° 52' 50" west, in a mixed industrial and residential area. The facility is an active scrap yard covering approximately 3 acres, that reclaims copper and other scrap metal from electric motors. Past and present operations have taken place on two distinct parcels of property separated by Wells Street. The east lot is approximately 2.5 acres, and the west lot is approximately .5 acres. The west lot contains the active shredding and metals separation operations, and the east lot contains a scale for weighing incoming and outgoing trucks.
2. The Standard Metal Company ("SMC") was started in 1928 by Sam Cohen and Sam Kanter at 4004 South Wentworth Avenue. SMC was involved in reclaiming scrap metal, including aluminum and copper. The facility contained one gas-fired boiler, two aluminum sweat furnaces, and a wire burning incinerator. Operations continued until 1972 when the company merged into Standard Scrap Metal Company, Incorporated ("SSMCI"). The company went bankrupt in 1987, changed names to Phoenix Recycling, and continued in the metal reclamation business. The

Phoenix Recycling business was owned by the Sam Cohen and Sam and Benjamin Kanter Building Partnership.

3. The SCM/CIE Site has been investigated by the Illinois Environmental Protection Agency ("IEPA"), and U.S. EPA beginning in 1973. In 1973, personnel from IEPA inspected the Site for compliance with air pollution regulations. The inspection revealed that the facility did not have the proper air pollution permits to operate their incinerator or sweat furnaces. A suit (PCB 83-22) was filed against SSMCI for not possessing permits required by IEPA and the City of Chicago. The complaint stated that SSMCI could achieve compliance by installing afterburners on the sweat furnaces. The afterburners were not installed and permits were not applied for until 1984. A permit for the gas-fired boiler was applied for and approved on December 14, 1984.
4. On February 14, 1984, IEPA investigated the Standard Scrap facility, and analytical results indicated levels of polychlorinated biphenyls ("PCBs") up to 1,300 parts per million ("ppm") from the west lot. The IEPA requested that the U.S. EPA conduct a PCB inspection at the Site.
5. On February 14, 1984, IEPA also investigated a report from an employee of a nearby plant that workers at the facility periodically dumped transformer oil on the ground and ignited it. This practice was to have taken place from 1977 to 1981.
6. On March 30, 1984, U.S. EPA's Toxic Substance Office conducted an inspection of the facility. Analytical results confirmed PCB levels of up to 2,095 ppm, and the facility was fined \$25,000 for violating regulations pertaining to the improper disposal of PCBs.
7. On January 10, 1985, the Illinois Pollution Board ("IPB") continued the suit (PCB 83-22) against SSMCI for permit violations. The IPB suit ordered SSMCI to:

Cease and desist from operations of its incinerator until the necessary operating permit is obtained from the IEPA; cease and desist from operating either of its aluminum sweat furnaces until the necessary permits are obtained from the IEPA, and permanently shut down the inactive aluminum sweat furnace by January 21, 1985.

Install temperature gauges on each afterburner with an interlock that prevents operation unless the



afterburner temperature is at least 1400 degrees Fahrenheit, and take all necessary steps to ensure adequate pre-heating of each afterburner prior to charging. These requirements are to be made conditions of the operating permits issued by the IEPA.

Within 90 days of the date of this order pay a penalty of \$30,000 for the violation of the Act and Regulations as described in this opinion.

8. On June 18, 1985, the U.S. EPA Technical Assistance Team ("TAT") contractor, collected four soil samples and two wipe samples from the east lot at the Site. The analytical results indicated PCB levels up to 336 ppm in three samples, and isomers of Dioxin were detected in all four samples. The inspection and data were referred to the U.S. EPA Toxic Substance Control Act ("TSCA") program for enforcement purposes.
9. On October 29, 1985, an amended complaint by U.S. EPA was filed against SSMCI facility. The amended complaint levied a \$30,000 penalty for violations of Section 16(a) of TSCA. In February, 1987, SSMCI appealed the decision and the complaint was dismissed because U.S. EPA could not prove that the PCBs had been accepted at the Site after 1978; however, U.S. EPA appealed the dismissal, the decision was reversed, and the \$30,000 fine was levied against the facility. SSMCI filed for bankruptcy, and the fine was never collected.
10. In 1989 the facility name was changed again to Chicago International Exporting ("CIE"). In the 1980's the facility was expanded to include property located at 4020 South Wentworth, Chicago, Illinois which is owned/operated by Steven Cohen and Lawrence Cohen and is currently operated by Chicago International Chicago, Inc. The President of both Chicago International Exporting and Chicago International Chicago, Inc., Steve Cohen, and Lawrence Cohen, actively manage the metals recycling business under the most recent name of Chicago International Chicago, Inc. The business is still actively reclaiming copper and other scrap from electric motors.
11. In 1990, a former railroad employee had a telephone interview with Tom Crause of IEPA. The former railroad employee indicated that workers at the Standard Scrap facility cut up and disposed of many electrical transformers during his 30 years of employment with the railroad. Based on the previous sampling indicating PCB contamination and this information, on August 27,

1990, the former SSMCI facility was placed on the Comprehensive Environmental Response, Compensation and Liability Information System ("CERCLIS").

12. On August 29, 1991, IEPA personnel conducted an off-site reconnaissance inspection of the facility. IEPA observed piles of scrap metal around the Site. No air emissions were observed at the Site, and the boiler did not appear to be in operation. At the east lot, the north sweat furnace had been demolished, and was left as a pile of debris. A number of drums, which appeared to be empty, were observed near the north side of the office building. No leakage was observed from the drums and no stressed vegetation was observed on the lot. At the west lot, the gates were open and the lot empty with the exception of three semi-trailers. The IEPA prepared a Preliminary Assessment ("PA") for the Site on September 30, 1991.
13. On September 22, 1992, IEPA was tasked by U.S. EPA Region 5 to conduct a CERCLIS Screening Site Inspection ("SSI") of the Site. The SSI was conducted on November 4 and 5, 1992, and consisted of the collection of twelve soil samples. The analytical results from on-site soil sampling indicated PCBs up to 670,000 parts per billion ("ppb"). The current reclamation of electric motors causes PCBs to release when the motors are shredded and reclaimed at the facility. The PCBs are released from the electrical capacitors within the motors which contain pure PCBs. When the motors are shredded in the hammer mill, the PCBs release and soak the copper and metal scrap, in addition to the non-metallic fluff and soil.
14. On February 22, 1994, U.S. EPA performed a removal Site Assessment ("SA") at the Chicago Industrial Exporting Company facility. The facility and buildings were found to be in the same condition as in the previous inspections. The south boundary of the Site is located adjacent to a residential area within a highly populated area on the south side of Chicago, with residences located within 100 feet of the Site. The Site is bounded by railroad tracks on the east and north, and by the Heatbath Corp. on the west.

During the inspection it was confirmed that the shredding of electric motors and reclamation of copper are the primary operations at the Site. The owners and operators of the CIE business, Mr. Lawrence Cohen and Mr. Steven Cohen, were contacted by the U.S. EPA On-Scene Coordinator ("OSC") who requested and was given access to the Site. The facility continues to be split

into two yards. The east lot is used to shred the electric motors, and separate the copper, scrap and fluff. The shredded metallic material is also separated from the non-metallic material in the east lot. While the facility claims that a baghouse dust control system will be installed on the shredding operation, which generates extreme amounts of dust during operations, no dust control equipment has been connected to that system to date. Mr. Lawrence Cohen stated that the unit was shut down during the inspection so that the dust would not impact sampling.

The metallic material is then hauled into the main processing building where the copper is separated from the steel and other debris with an air-forced cyclone separator. The dust from this operation is directly vented out a window into the streets and sidewalks of neighboring residences with no dust or pollution control. The facility has installed some equipment for dust control, but as of this time none of the equipment is operational. The OSC has referred this air compliance issue to IEPA, to the Cook County Air Board and to the City of Chicago.

Also, during the inspection, CIE workers were observed to burn wood and other debris in the east lot, and burning of wire in barrels was observed at the west lot. Later, CIE workers put out the burning wire with water from a hose. The materials burned in the 55-gallon drum gave off a black smoke that was irritating to the eyes, nose, and throat. A motor had been cut open and oil was observed spilling on to the soil of the east lot. The soil, debris, and reclaimed copper and metal were all observed to be coated in oil, and large oil stains were observed in both the east and west lots. An open ended pipe was observed exiting the building from the copper separation system, and a continuous release of dust was observed blowing directly into the neighboring residences.

15. To characterize the hazardous substances reported from earlier investigations, U.S. EPA collected ten soil samples and analyzed them for total metals, Toxicity Characteristic Leaching Procedure ("TCLP") metals, PCBs, volatile compounds and base neutral acids, and Dioxin.
16. The area directly underneath the shredding operations is concrete, but a large part of the yard is not paved. Waste fluff and debris and ash piles are found in the north part of the yard where the wire incinerator and building were demolished. A foundation remains of the

demolished building, as does debris from the smoke stack from the incinerator. Two aluminum furnaces remain in the southern portion of the yard.

17. The analytical information has confirmed that the soil and debris found on-site are hazardous by Resource Conservation and Recovery Act ("RCRA") definition. Nine of ten samples collected were above RCRA regulatory levels for lead, and two of the samples were above RCRA regulatory levels for cadmium. This data confirms that hazardous wastes or hazardous substances are spread over the entire Site, including soils, fluff piles, and scrap.

In addition, high PCB levels were detected in nine of the ten samples above the TSCA regulatory levels of 50 ppm. The samples ranged from 61 ppm to 2,000 ppm, confirming the three previous inspections by TSCA, IEPA, and TAT. Total metal values for lead, copper, and zinc were extremely high and above the health risk values, creating a high potential for ingestion and inhalation of airborne dust by neighboring residences, the public entering the Site, and by-CIE employees.

Dioxin and Furans were detected in all four samples, with two samples containing levels above the 1 ppm 2,3,7,8 Total Equivalency Factor risk-based level. The Dioxins and Furans were resultant of burning PCB-containing transformers and capacitors as reported to the IEPA by a nearby plant employee in February 1984. In addition, the burning of wire casings has been documented to create incomplete products of combustion including Dioxin and Furans, which are deposited in the air and into the ash.

18. On September 14, 1994, a Unilateral Administrative Order, Docket No. V-W-94-C-249 ("UAO") was issued to Respondents by U.S. EPA in response to the release or threat of release of hazardous substances at the Site. The UAO required Respondents to, inter alia, implement the actions set forth in section IV of this Administrative Order. During a meeting on October 5, 1994, Respondent Steven Cohen and his counsel indicated that Respondents would not be able to implement the actions identified in the UAO.
19. For purposes of further defining the extent of contamination at the Site, and to begin coordinating the removal action with the property owners in an effort to avoid disrupting Respondents' scrap metal operations, U.S. EPA requested access during a meeting

with Respondents on October 5, 1994, and again by telephone on or about October 7 and 10th, 1994.

20. By letter dated October 11, 1994, Respondents refused to allow U.S. EPA access to the site.
21. By letter dated October 18, 1994, Respondents indicated they do not intend to comply with the UAO.

### III. DETERMINATIONS OF LAW

Based upon information available on the date of issuance of this Administrative Order, the Division Director of the Waste Management Division of U.S. EPA, Region 5, makes the following Determinations of Law:

1. The Standard Scrap Metal/Chicago International Exporting Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
2. PCBs, lead, cadmium, and Dioxin are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14) and as specified in 40 C.F.R. § 302.4.
3. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
4. The Respondents are Chicago International Exporting, Chicago International Chicago, Inc., Mr. Steven Cohen, and Mr. Lawrence Cohen, who are the present "owners" and "operators" of the Standard Scrap Metal/Chicago International Exporting Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
5. The presence of hazardous substances at the facility or the past, present or potential migration of hazardous substances currently located at or emanating from the facility constitutes a reasonable basis to believe that there may be a "release" or substantial threat of "release," as defined in section 101(22) of CERCLA, into the environment of a hazardous substance from or at the facility.
6. Access to the Respondents' property is necessary to effectuate a response action, including implementing the UAO, determine the need for additional response action as defined in section 101(25) of CERCLA, and protect human health and welfare and the environment.

IV. ORDER

Based upon the foregoing Findings of Fact and Determinations of Law, it is hereby ordered that Respondents comply with U.S. EPA's request for access to the Respondent's properties described in Paragraph II. 5. above, pursuant to section 104(e) of CERCLA, in accordance with Paragraphs 1 through 6 below:

1. Respondents shall grant the U.S. EPA and its officers, employees, duly designated representatives, and contractors, including, but not limited to, access to the above described properties for the following purposes:
  - a. Develop and implement a Removal Action Work Plan to address the sampling and disposal of all hazardous wastes or hazardous substances identified at the facility. This Plan shall include an Extent of Contamination Study of the east and west lots, including soil borings beneath the cement pads.
  - b. Secure the Site, as determined necessary by U.S. EPA, by locking the fence or posting a guard to permit only authorized access to the east and west lots during operating hours.
  - c. Implement dust control procedures to eliminate fugitive dust emissions from the Site. Specifically, eliminate dust and emissions from the electric motor shredding and separation operation, and the copper recovery system inside the main building. Conduct air monitoring for PCBs, lead, and cadmium using high volume air sampling devices to assess if any fugitive dust emissions are exiting the Site into the neighboring residential yards.
  - d. Eliminate burning or incineration of material in drums, pits, or other unregulated open containers or areas.
  - e. Restrict access to contaminated areas by employees, truck drivers, and the public. Post warning signs indicating contaminated areas.
  - f. Treat and/or dispose of all contaminated soils at a RCRA/TSCA-approved disposal facility. Contaminated soils include all soils with concentrations of PCBs which exceed 10 ppm, and/or concentrations of lead which exceed 5 milligrams per liter (mg/l) TCLP, and/or concentrations of cadmium which exceed 1 mg/l TCLP, and/or concentrations of Dioxin which exceed 1 ppb 2,3,7,8-TCDD total equivalency factor, and/or concentrations of any other hazardous substance found

on Site which exceeds the applicable Federal clean-up standards.

- g. Remove and dispose of the concrete pads and underlying soils if sampling confirms contamination above clean-up standards.
  - h. Decontaminate and/or dispose of scrap metal contaminated above clean-up standards as described in PCB Spill Clean-up Policy.
  - i. Conduct confirmation sampling to document that all appropriate U.S. EPA clean-up standards have been met.
  - j. Implement any and all other actions identified in the Unilateral Administrative Order, V-W-94-C-249 issued to Respondents on September 14, 1994, as amended, ("UAO") for the Site and authorized by the U.S. EPA Action Memorandum dated September 14, 1994.
  - k. Conduct sampling of any air, soil, soil gas, solids or liquids stored or disposed of on site and any other actions related to the investigation of surface or subsurface contamination at the site, as determined to be necessary by U.S. EPA, to define the nature and extent of release or threat of release of hazardous wastes or hazardous substances from the Site.
  1. Take any other action necessary, as determined by U.S. EPA, to abate the imminent and substantial endangerment to public health and the environment caused by the release or threat of release of hazardous substances from the Site.
2. Respondent shall provide access to Respondent's property for the length of time required to complete the actions identified in the UAO and any additional work U.S. EPA determines to be necessary.
  3. Respondents shall allow entry to its property for activities at all reasonable times, as required by section 104(e)(3) of CERCLA.
  4. This Administrative Order shall be binding on all employees, agents, successors and assigns of Respondents. In the event of any conveyance by Respondents, or Respondents' agents, heirs, successors and assigns, of any interest in any property which includes an access area, Respondent or Respondents' agents, heirs, successors and assigns shall convey the interest so as to insure continued access by U.S. EPA and/or its representatives for purposes of carrying out the activities pursuant to this Order. Any such conveyance

shall restrict the use of such property so that use will not interfere with activities undertaken pursuant to this Order. Respondent, or Respondents' agents, heirs, successors, and assigns shall notify U.S. EPA at least (30) thirty days before any such conveyance of an interest in property where an access area is located, and shall notify the other parties involved in the conveyance prior to the transfer of the provisions in this Order.

5. Any action taken by Respondents to deny access to U.S. EPA and its officers, employees, duly designated representatives, and contractors, for the purpose of performing actions identified in the UAO, or any attempt to interfere with the actions deemed necessary to complete the actions identified in the UAO, shall be deemed a violation of this Administrative Order.
6. Nothing in this Order is meant to limit in any way any right of access to this property which U.S. EPA, the State of Illinois, local governmental agencies, may have under any statute, regulation or agreement.

#### V. CONFIDENTIAL BUSINESS INFORMATION

Respondents are hereby advised that, consistent with 18 U.S.C. Section 1905, they may assert a confidentiality claim with respect to any information obtained by U.S. EPA in the course of activities performed on their property under the authority of this Administrative Order. Information accorded protection by 18 U.S.C. Section 1905 includes information relating to or concerning trade secrets, processes, operations, style of work, or apparatus, confidential statistical data, or to the identity, amount or source of any income, profits, losses or expenditures of any person, firm, partnership, corporation or association. Any such claim will be handled by U.S. EPA in accordance with the Confidential Business Information regulations, found at 40 CFR 2.201 et seq.

#### VI. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Findings and Determinations is available for review by appointment on weekdays between the hours of 9:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, U.S. EPA, Region V, 200 W. Adams Street, 29th Floor, Chicago, Illinois. Please contact Kurt N. Lindland, Assistant Regional Counsel, at (312) 886-6831 to make an appointment to review the Administrative Record.

#### VII. EFFECTIVE DATE OF ORDER AND OPPORTUNITY TO CONFER

1. This Order shall become effective on the fifth day after it is received by the Respondents. The Order



shall be served upon Respondents by certified mail, return receipt requested, or overnight delivery.

2. Respondent may request a conference with U.S. EPA to discuss this Order. The conference may be held by telephone. Respondent may appear by an attorney or other representative. Any such conference shall take place within 3 days of Respondent's receipt of the Order. Respondent should contact Kurt N. Lindland, Assistant Regional Counsel, at (312) 886-6831 to arrange such a conference.
3. Any comments that Respondents may have regarding this Order, its applicability to Respondents, the correctness of any factual determination upon which the Order is based, or any other relevant and material issue may be reduced to writing and submitted to U.S. EPA within 3 days of Respondent's receipt of this Order. Any such comments should be sent to Kurt N. Lindland, Office of Regional Counsel (CS-3T), U.S. EPA Region 5, 200 West Adams Street, Chicago, Illinois 60604.

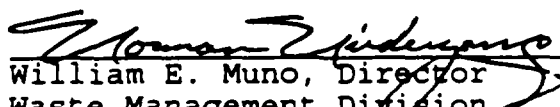
#### VIII. NOTICE OF INTENTION TO COMPLY

Whether or not Respondent requests a conference with U.S. EPA, Respondent must notify U.S. EPA within 3 days of its receipt of the Order of its intent to comply fully or not comply with the Order. Respondent shall provide written notice to U.S. EPA stating whether it intends to comply with the terms hereof. Such notice shall be sent by overnight carrier, return receipt requested, to Kurt N. Lindland, Office of Regional Counsel (CS-3T), U.S. EPA - Region V, 200 West Adams Street, 29th Floor, Chicago, Illinois 60604. Failure to provide such timely notice shall be deemed to be a refusal to grant access, constituting noncompliance with the terms of the Order.

#### IX. PENALTIES FOR NONCOMPLIANCE

Respondents are hereby advised that, pursuant to Section 104(e)(5)(B) of CERCLA, a Court may assess a civil penalty not to exceed \$25,000 per day for each day that a Respondent unreasonably fails to comply with this Order or any part hereof.

IT IS SO ORDERED this 15<sup>th</sup> day of <sup>November</sup>~~October~~, 1994

By:   
 William E. Muno, Director  
 Waste Management Division  
 United States Environmental  
 Protection Agency, Region 5

LIST OF RESPONDENTS

1. Steven Cohen  
c/o Carolin K. Shining  
The Law offices of  
Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60602
2. Lawrence A. Cohen  
c/o Carolin K. Shining  
The Law offices of  
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4. Chicago International Chicago, Inc.  
c/o Carolin K. Shining  
The Law offices of  
Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60602

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Administrative Order  
Docket No. V-W-95-C-266 has been served upon the following by  
hand delivery this 2nd day of November 1994:

Steven Cohen  
Lawerence Cohen  
Chicago International Exporting  
Chicago International Chicago, Inc.  
c/o Carolin K. Shining  
Three First National Plaza  
Suite 1960  
Chicago, Illinois 60601

  
Kurt N. Lindland